

### REMARKS

Reconsideration of this application as amended is respectfully requested.

Claims 1-12 are pending. Claims 1-12 are rejected. In this Amendment, Claim 1 has been amended. No new matter has been added.

### Drawings

The Examiner has objected to the previous amendments to the drawings under 37 C.F.R. 132(a) because they allegedly introduce new matter into the disclosure.

Applicant respectfully submits that amendments to the drawings are consistent with the original disclosure and no new matter has been added.

As the Examiner stated in the Final Office Action (Page 2 of Final Office Action, 7/25/08), the specification discloses that the “temperature sensor 30” and the “heater 32” are “positioned inside the cabinet” (See page 4 of the specification, lines 7-8 and 29-30), and that the “fan 31” is provided “under vent 5” “in the cabinet” (See page 4 of the specification, lines 22-23). However, the Examiner objects to the amendments to Figure 1 and Figure 2, stating that the specification does not disclose the *specific locations* of the “temperature sensor 30,” the “heater 32,” and the “fan 31.” As shown by the amendments to Figure 1 and Figure 2, the “temperature sensor 30” and the “heater 32” are located inside the cabinet 1, and the “fan 31” is positioned under the vent 5 inside the cabinet 1. Applicant fails to see how the “temperature sensor 30” and the “heater 32” could be added to the drawings without putting them in specific positions inside the cabinet 1, and how the “fan 31” could be added to the drawings without putting it in a specific location under the vent 5 inside the cabinet 1.

Applicant, accordingly, respectfully requests withdrawal of the objections to Figure 1 and Figure 2.

35 U.S.C. § 102 Rejections

Claims 1-2 and 7-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dufresne, et al. U.S. Patent No. 4,495,545 ("Dufresne"). Applicant respectfully submits that claim 1 is patentable over the cited reference because Dufresne does not disclose all of the features of the claim 1.

Claim 1, as amended, recites:

An air circulation and ventilation unit comprising:

a housing configured to fit at least partially over the ceiling of an equipment cabinet including fitting over at least one vent in the ceiling of the cabinet, so that at least a majority of the interior of the housing is in permanent communication with the interior of the cabinet so that **air can always flow between the interior of the housing and the interior of the cabinet through the vent(s) in the ceiling of the cabinet,**

the housing having a housing vent comprising a closure moveable between an open position in which air is permitted to flow through the housing vent between the outside of the housing and the inside of the housing and a closed position in which the closure closes the housing vent so that little or no air is permitted to flow through the housing vent between the outside of the housing and the inside of the housing, **the housing vent and housing vent closure being**

**positioned so that in both positions of the housing vent closure air is able to flow between the interior of the housing and the interior of the cabinet, and**

a controller to control the position of the housing vent closure.

(Emphasis added)

Dufresne discloses an enclosure for electrical equipment with a trough 16 having an aperture 17 and at least another aperture 18 (Dufresne, Col. 2, lines 25-28). A pivotal baffle 21 is mounted above the apertures 17 and 18 (Dufresne, Col. 2, lines 34-39). The pivotal baffle 21 has two positions: a closed position (as shown in Figure 1) and an open position (as shown in Figure 2). Dufresne does not disclose an enclosure, when the baffle is in the closed position, “air is able to flow between the interior of the housing and the interior of the cabinet,” or “air can always flow between the interior of the housing and the interior of the cabinet through the vent(s) in the ceiling of the cabinet,” as set forth in claim 1. Rather, Dufresne only teaches that when the baffle 21 is its closed position (as shown in Figure 1), no air flow is permitted to flow into the housing (37) through either the aperture 17 or aperture 18, because the baffle 21 closes both the apertures 17 and 18. As a result, the air can only flow inside the cabinet 10, indicated by the arrows 26 (Dufresne, Figure 1 and Col. 2, lines 50-56). In contrast, claim 1 claims a circulation and ventilation unit that will always allow the air to flow between the interior of the housing and the interior of the cabinet, even when the closure is in a closed position. For at least the reasons stated above, Dufresne fails to disclose each and every feature of claim 1. Therefore, applicant respectfully submits that claim 1 is patentable over the cited reference.

Given that claims 2 and 7-12 directly or indirectly depend from claim 1, at least for reasons similar to those discussed above, it is respectfully submitted that dependent claims 2 and 7-12 are patentable over the cited reference. Accordingly, applicant requests that the rejections of claims 1-2 and 7-12 under 35 U.S.C. § 102(b) be withdrawn.

### 35 U.S.C. § 103 Rejections

#### Claims 3-4

Claims 3-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dufresne. Applicant respectfully requests withdrawal of these rejections because, as discussed above, Dufresne fails to teach or suggest all of the features of the independent claim 1. Given that claims 3-4 directly and indirectly depend from the independent claim 1 and include all the features of claim 1, applicant, accordingly, respectfully requests withdrawal of the rejections of claims 3-4 under 35 U.S.C. § 103(a) as being unpatentable over Dufresne.

#### Claim 5

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dufresne in view of Jones, U.S. Patent No. 6,127,663 ("Jones"). Applicant respectfully requests withdrawal of this rejection because the combination of cited references fails to teach or suggest all of the features of the independent claim 1, which claim 5 depends on directly and includes all of the features of.

As discussed above, Dufresne fails to teach or suggest all of the features of independent claim 1. Jones discloses a cabinet for housing telecommunications equipment in outdoor locations including an enclosure for containing the telecommunications

equipment (Jones, Abstract). Similarly, Jones also fails to teach or suggest all of the features of independent claim 1 and it fails to cure the deficiencies of Dufresne.

Given that claim 5 directly depends from the independent claim 1. Applicant submits that claim 5 is patentable over the cited references. Accordingly, applicant respectfully requests that the rejection of claim 5 under 35 U.S.C. § 103(a) be withdrawn.

#### Claim 6

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dufresne in view of Lattimore, U.S. Patent No. 6,342,004 ("Lattimore"). Applicant respectfully requests withdrawal of this rejection because the combination of cited references fails to teach or suggest all of the features of the independent claim 1, and claim 6 depends on claim 1 directly and includes all of the features of claim 1.

As discussed above, Dufresne fails to teach or suggest all of the features of independent claim 1. Lattimore discloses a shutter mechanism for rack mounted chassis system (Lattimore, Abstract). Similarly, Lattimore also fails to teach or suggest all of the features of independent claim 1 and it fails to cure the deficiencies of Dufresne.

Given that claim 6 directly depends from the independent claim 1. Applicant submits that claim 6 is patentable over the cited references. Accordingly, Applicant respectfully requests that the rejection of claim 6 under 35 U.S.C. § 103(a) be withdrawn.

### CONCLUSION

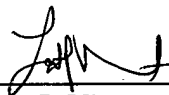
Applicant respectfully submits that in view of the amendments and arguments set forth herein, the applicable objections and rejections have been overcome. Applicant reserves all rights under the doctrine of equivalents.

Pursuant to 37 C.F.R. 1.136(a)(3), Applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: October 27, 2008

  
\_\_\_\_\_  
Lester J. Vincent  
Reg. No. 31,460

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(408) 720-8300